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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2166	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/864,456	KAKU, TOSHIHIKO	
	Examiner	Art Unit	
	Srirama Channavajjala	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-92* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-92* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

THIS IS A SUPPLEMENTAL NON-FINAL OFFICE ACTION

DETAILED ACTION

In response to applicant's After Final amendment especially under "REMARKS", page 25, item I, "procedural Matters" filed on 13 June 2005, Examiner hereby issuing ***"supplemental non-final office action"***

Response to Amendment

1. Claims 1-92 are pending in this application.

2. Claim 14 has been amended [6/13/2005].

3. Examiner acknowledges applicant's after final "response" filed on 6/13/2005.

4. Examiner acknowledges applicant's amendment filed on 2/16/2005.

5. Claims 84,86 have been amended [2/16/2005]

6. claims 87-92 have been added [2/16/2005]

7. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2004 has been entered and a non-final office action mailed on 11/14/2004.

8. Claims 1,43,78 have been amended.

9. Examine acknowledges applicant's amendment filed on 3/5/2004, paper no .9

10. Claims 1,5,11,17,27,43,65,78 have been amended, paper no. # 9

11. Claims 79-86 have been added, paper no. # 9.

Drawings

12. The drawings filed on 8/4/2002 are approved by the Draftsperson under 37 CFR 1.84 or 1.152.

Priority

13. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application [Sl.No.# 2000-201548] filed in Japan on 7/3/2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 1-14,16,20-21,24-25,38,40,43-51,53-54, 57,60-61,64-65,67,72,74,76, 78-92, rejected under 35 U.S.C. 103(a) as being unpatentable over Mayle et al., [hereafter Mayle], US Patent No. 6018774 in view of Haeberli, US Patent No. 6587596.

15. As to Claims 1,43,78, Mayle teaches a system which including 'an image distributing system for distributing an image having a target character' [see Abstract, fig 1], image distributing system corresponds to Mayle's fig 1, also, it is noted that Mayle suggests for example electronic distribution of images as detailed in col 2, line 7-12,

'a character information obtaining unit for capturing a first image of the target character and obtaining character information of the target character' [col 7, line 17-19, col 8, line 1-11], Mayle teaches graphical data is provided in the form of specific formats such as JPEG or GIF format [see col 7, line 17-19], Mayle also teaches user has the ability to choose images or photos that describing character information such as photo caption, message and like as detailed in col 8, line 3-5;

'a camera system for capturing plurality of images including a second image having at least the target character' [fig 1, element 14-15, col 4, line 17-18, col 5, line 19-23], camera system for capturing images corresponds to video camera and digital camera connected to the system as detailed in fig 1 that captures image(s) or photo(s), further it is noted that Mayle specifically suggests for example images and photographs are stored in a file system or store the temporary image files in a temp image database [see fig 2, element 65], that containing multiple images, therefore, first image, second image are integral part of Mayle's teaching,

'an image database communicating with said camera system for receiving and storing said plurality of images as image data' [col 5, line 18-23, line 35-46], image database corresponds to Mayle's image database, fig 2, element 66;

'an image collecting unit for selecting image data stored in said image database by identifying the target character according to character information thus obtained for distributing the second image including the target character [col 6, line 5-44, fig 4], Mayle suggests for example selected images or portions of images based on the changed data or characteristics of data are distributed as detailed in fig 4.

It is however, noted that Mayle does not specifically teach, "automatically selecting said second image data among said plurality of image data", although Mayle suggests creating, capturing, generating, and selecting color images [Abstract, fig 3A]. On the other hand, Haeberli disclosed "automatically selecting said second image data among said plurality of image data" [col 12, line 9-19, line 37-49, fig 7], Haeberli specifically teaches multiple image based product some times called as "diptych" or triptych" allows the process element 700 automatically selecting multiple images based on image attributes as detailed in fig 7, col 12, line 12-15, line 37-49].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Haeberli into creating messages including image information of Mayle et al., because both Mayle and Haeberli are directed to image processing, more specifically Mayle is directed to creating, cropping, cropping, selecting multiple images [see Abstract], Haeberli also directed to creating, cropping, selecting multiple images [see abstract, col 2, line 11-19, line 58-67], and both Mayle and Haeberli also teaches generating, transmitting images over network [see Mayle: col 1, line 53-67; Haeberli: col 1, line 54-64] and both Mayle and Haeberli are from same field of endeavor.

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Haeberli into creating messages including image information of Mayle's because that would have allowed users of Mayle to

automatically select multiple images and image related attributes bringing the advantages of generating and displaying not only preview image of image-based products but also allows user to see how the image based product will look with a particular set of product attributes [see Haeberli: col 4, line 59-63], thus improving the quality and reliability of the system.

16. As to Claim 2, the limitation of this claim has been noted in the above rejection of claim 1. In addition, Mayle disclosed ' transmitting image data from said camera system to said image database' [see fig 1, col 7, line 14-20].

17. As to Claim 3, 46,the limitation of this claim has been noted in the above rejection of claim 1. In addition, Mayle disclosed 'image selecting terminal showing the images collected by said image collecting unit to a user and prompting the user to select images' [col 7, line 21-27col 7, line 66-67, col 8, line 1-11].

18. As to Claim 4, the limitation of this claim has been noted in the above rejection of claim 3. In addition, Mayle disclosed 'capturing an image of the user who is to select images' [col 5, line 46-52].

19. As to Claim 5, 48-49 the limitation of this claim has been noted in the above rejection of Claim 4. In addition, Mayle disclosed 'verifying the user who is to select images based on the character information' [col 5, line 7-16, line 44-49].

20. As to Claim 6, 47, the limitation of this claim has been noted in the above rejection of claim3. In addition, Mayle disclosed' image selecting terminal distributes the image data of said images selected by the user' [col 8, line 1-8].

21. As to Claim 7-8, 44, 50, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Mayle disclosed 'outputting unit outputting the image data of said images collected by said image collecting unit' [see fig 1, element 13, col 4, line 17].

22. As to Claim 9, the limitation of this claim has been noted in the above rejection of Claim 7. In addition, Mayle disclosed 'image selecting terminal showing images collected by said image collecting unit to a user and prompting the user to select images from said collected images, wherein said image selecting terminal transmits to said outputting unit image selection information representing which images are selected by the user' [see fig 10, col 8, line 35-42].

23. As to Claim 10, 76,the limitation of this claim has been noted in the above rejection of Claim 7. In addition, Mayle disclosed 'outputting unit includes at least one of a printer, a CD-R recorder, an MD recorder, a web server for distributing the collected images via the Internet, means for sending E-mail with the collected images attached' [col 7, line 21-28, col 8, line 56-63, fig 1], predetermined URL [col 10, line 46-50], Mayle

specifically suggests for example using world wise web for communicating with user PC to servers.

24. As to Claim 11,53-54, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Mayle disclosed 'database includes data about at least one of a facial characteristic, body characteristic, and characteristic of wearing appeal of target character' [see fig fig 11,13,17, element 601], Mayle specifically directed to a photo that has facial, body, wearing appeal characteristics, also see figs12-17.

25. As to Claim 12-13, 20-21,24, 45,51,57, 61,67, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Mayle disclosed 'camera system includes a plurality of cameras located within a predetermined area' [see fig 1, col 7, line 14-16], plurality of cameras corresponds to Mayle's video camera element 14, digital camera element 15 as detailed in fig 1.

26. As to claim 14, the limitation of this claim has been noted in the above rejection of claim 1. In addition, Mayle disclosed 'whrein said character information obtaining unit imports an image of the target character to a character information database as the character information of the target character' [col 5, line 19-31].

27. As to Claim 16,55, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Mayle disclosed 'updates previously obtained character information with newly obtained character information for the target character' [col 6, line 39-44].

28. As to Claim 25, 65, Mayle disclosed 'image collecting unit saves only images data with the target character to said image database' [see fig 2, element 66].

29. As to Claim 38, 72,Mayle disclosed 'camera system transmits the image data to said image database substantially every time an image is captured' [see fig 2, col 5, line 19-23, line 35-39].

30. As to Claim 40, 74,Mayle disclosed 'camera system transmits the image data to said image database when a predetermined number of images are stored in the camera system' [fig 1-2, col 5, line 19-23].

31. As to Claim 60,64, Mayle disclosed 'when a person is caught in a plurality of images, and when said step of identifying the target character identifies a person as the target character .....[see fig 11-17,col 8, line 65].

32. As to Claim 79, Mayle disclosed 'a character information database for storing said character information of the target character obtained in said character information

obtaining unit' [col 5, line 19-22, line 35-38], 'image collecting unit said character information from said character information database for identifying the target character' [col 5, line 44-46].

33. As to Claim 81, Mayle disclosed 'character information obtaining unit obtains said character information of the target character from the first image after said camera system captures said plurality of images including said second image' [col 7, line 17-19, col 8, line 1-11], Mayle teaches graphical data is provided in the form of specific formats such as JPEG or GIF format [see col 7, line 17-19], Mayle also teaches user has the ability to choose images or photos that describing character information such as photo caption, message and like as detailed in col 8, line 3-5, fig 1, element 14-15, col 4, line 17-18, col 5, line 19-23]; 'image distributing system further comprising, an image screen unit for checking if the target character is caught in said plurality of images captured in said camera system for storing said second image' [col 7, line 15-17, line 49-51, line 55-64].

34. As to Claim 82-83, Mayle disclosed 'registering character information for the target character is performed after said capturing the plurality of images is performed' [col 8, line 24-29].

35. As to Claim 84, Mayle disclosed ' detecting a characteristic sound to capture an image with the target character and capturing the image with the target character when the characteristic sound is detected' [see Abstract, col 7, line 15-17], Mayle specifically teaches digital camera, video camera element 14, as best understood by the examiner video camera has the capability for recording, and playing both audio and video signals, therefore, Mayle has the ability to capture not only image, but related sound along with the image.

36. As to Claims 85-86, Mayle disclosed 'target character is a person shown in the image' [fig 4,fig 11].

37. As to claim 87, Mayle teach 'camera system captures said plurality of said images' [see Mayle: fig 1, col 4, line 15-18; Haeherli:], especially video camera and digital camera as suggested at col 4, line 17-18; although automatically captures images is known in the art because user may have option to use camera both in manual as well as auto mode.

38. As to claim 88, Mayle disclosed 'capturing said plurality of images having the target character is done automatically' [fig 1, element 14-15, col 4, line 17-18, col 5, line 19-23].

39. As to claim 89, Haeherli disclosed 'capturing said plurality of images in which a person who is the target character is caught is done automatically' [fig 8-9].

40. As to claim 90, Haeherli disclosed 'character information represents a characteristic of the target character' [col 13, line 26-29, fig 9].

41. As to claim 91-92, Haeherli disclosed 'character information represents a characteristic of the target character' [col 13, line 26-32].

42. Claims 18-19,58-59, rejected under 35 U.S.C. 103(a) as being unpatentable over Mayle et al., [hereafter Mayle], US Patent No. 6018774, Haeberli, US Patent No. 6587596 as applied to claims 1,43 above, and further in view of Acosta et al., [hereafter Acosta], US Patent No. 6166729.

43. As to Claims 18-19,58-59 Mayle disclosed 'camera system at least one camera [see fig 1], mobile camera corresponds to Mayle's fig 1 element 14-15 because it is portable to carry any place, also it may be connected to the system as suggested in fig 1, further Mayle also suggests for example communicating over network such as world wide web or Internet for exchanging electronic information [see col 1, line 53-55]. It is however, noted that both Mayle, Haeberli do not specifically teach 'wireless transmitter'. On the other hand, Acosta disclosed 'wireless transmitter' [see fig 1].

It would have been obvious to one of the ordinary skill in the art at the time of applicants' invention to incorporate the teaching of Acosta et al., into creating messages including image information of Mayle et al., user cropping an image of Haeberli because they all are directed to creating, capturing, cropping image information and transmitting over a network, more specifically Mayle is directed to creation of an image display on a electronic post card and sending an E-mail over a internet [see fig 1-2, Abstract], Haeberli is directed to creating, cropping, selecting multiple images [see abstract, col 2, line 11-19, line 58-67], while Acosta is directed to remote digital image viewing system, more specifically viewing digital images of remote locations [see fig 1-2, Abstract] via

wireless network to world wise web as detailed in fig 1, and further, Mayle, Haeberli, Acosta are directed to digital image capturing, viewing, they all are directed to sending and receiving over internet and are from same field of endeavor.

One of the ordinary skill in the art at the time of applicant's invention to modify the combination of Mayle et al., Haeberli references, more specifically modifying Mayle's and Haeberli's fig 1 to incorporate the wireless network of Acosta's fig 1, element 14 because that would have allowed users of Mayle, Haeberli to creating messages including image information to communicate over wireless communications, thus improving speedy and efficient protocol and operations as suggested by Acosta [see Abstract, fig 1, col 2, line 61-67, col 2, line 1-2]

44. Claims 15,17,22-23,26,27-28,36-37,39,41,52,56,62, 66,68-69,71,73,75, rejected under 35 U.S.C. 103(a) as being unpatentable over Mayle et al., [hereafter Mayle], US Patent No. 6018774, Haeberli, US Patent No. 6587596 as applied to claims 1,43 above in view of Kuno, US Patent No. 6567121.

45. As to Claim 15, 22-23,52,62, Mayle teaches a system which including 'character information obtaining unit has a plurality of cameras for capturing character information' [see fig 1, col 7, line 14-16], 'said character information obtaining unit imports a plurality of images of the target character captured from plurality of cameras' [col 8, line 35-42], however it is noted that both Mayle, Haeberli do not specifically teach 'different angles by a respective one of said plurality of cameras'. On the other hand, Kuno disclosed 'different angles by a respective one of said plurality of cameras' [col 1, line 47-49, col 3, line 54-62, col 4, line 16-19], Kuno specifically suggests various image sensing time and angle values and stored in the external storage device as detailed in fig 2.

It would have been obvious to one of the ordinary skill in the art at the time of applicants' invention to incorporate the teachings of Kuno into creating messages including image information of Mayle et al., user cropping an image of Haeberli because they are directed to capturing images, more specifically Mayle is directed to creation of an image display and attached on a electronic post card and sending an E-mail over a internet [see fig 1-2, Abstract], Haeberli is directed to creating, cropping, selecting multiple images [see abstract, col 2, line 11-19, line 58-67], while Kuno is directed to

camera server, camera client control method and storage, more specifically sharing image information, search image information on a network having automatic camera image sensing at various angles as detailed in Abstract, fig 2. It is also noted that both Mayle and Haeberli also teaches transmitting image information or sharing image information over network [see Mayle: fig 1; Haeberli: fig 1].

One of ordinary skill in the art at the time of applicants' invention to modify Mayle's reference to incorporate the teachings of automatic camera image sensing sequence that including various angles of image with respect to time because that would have allowed users of Mayle's creating message including image information effectively control and communicate various images with specified angle of image and time over the network [see col 8, line 38-45], thus improving quality of searching various images and reliability of the system.

46. As to Claims 17,26,56,66, the limitation of this claim has been noted in the above rejection, in addition, Kuno disclosed 'character information includes a registration of data of refusal to be imaged by a person, and said image collecting unit does not collect images when at least one character in an image is a person who refuses to be imaged' [col 4, line 41-50, line 63-67, col 5, line 1-11].

47. As to Claim 23, 63 the limitation of this claim has been noted in the above rejection, in addition, Kuno specifically teaches 'different time periods' [see fig 2].

48. As to Claims 27,36,68, the limitation of this claim has been noted in the above rejection, in addition, Kuno specifically teaches 'timing detecting unit for detecting a timing to capture an image with the target character' [see fig 4, col 4, line 34-39], 'camera system captures said plurality of images with the target character when said timing detecting unit detects said timing for capturing said plurality of images' [col 3, line 54-61].

49. As to Claims 28,69, 71, the limitation of this claim has been noted in the above rejection, in addition, Kuno specifically teaches 'timing detecting unit detects, based on position information about plurality of characters, said timing for capturing an image when said plurality of characters are at a predetermined position' [fig 2,4, col 4, line 34-39], Kuno specifically teaches for example detecting various image data with respective to image sensing date, sensing angle information that are stored as detailed in col 4, line 34-39.

50. As to claim 37, the limitation of this claim has been noted in the above rejection, in addition, Kuno disclosed 'timing detecting unit detects that both the target character and an object for attracting attention of the target character are in a predetermined range to be captured in an image' [col 3, 38-42, line 54-61, line 63-67]

51. As to Claim 39,41,73, 75, Kuno teaches a system which including 'image database substantially at predetermined time intervals' [see col 6, line 26-30, fig 2, fig 12, element 1104.

52. Claims 29-34,35,42,70, 77, rejected under 35 U.S.C. 103(a) as being unpatentable over Mayle et al., [hereafter Mayle], US Patent No. 6018774, Haeberli, US Patent No. 6587596, Kuno, US Patent No. 6567121 as applied above Claims 1,43, and further in view of Acosta et al., [hereafter Acosta], US Patent No. 6166729

53. As to Claims 29, 70, Mayle, Haeberli, teaches a system which including 'image distributing system' [see Mayle: fig 1, Haeberli: fig 1], However, it is noted that Mayle, Haeberli, do not specifically teach 'timing detecting unit, detects said timing for capturing an image', although Mayle, Haeberli do teaches capturing images [see Mayle: Abstract, Haeberli: Abstract; Acosta: Abstract]. It is however, noted that Kuno disclosed "timing detecting unit, detects said timing for capturing an image' [fig 2,fig 4, col 34-39].
It is however noted that Mayle, Haeberli, and Kuno do not specifically teach 'prompting a person in a predetermined area to carry a transmitter for transmitting radio waves, receiving the radio waves, receiver based on the radio waves transmitted from said transmitter'. On the other hand, Acosta teaches 'prompting a person in a predetermined area to carry a transmitter for transmitting radio waves, receiving the radio waves, receiver based on the radio waves transmitted from said transmitter'
[see fig 1, col 1, line 39-47, col 5, line 11-14].

It would have been obvious to one of the ordinary skill in the art at the time of applicants' invention to incorporate the teachings of Acosta into creating messages including image information of Mayle et al., Haeberli, and camera control system that search, store image data of Kuno because all are directed to capturing images, more specifically Mayle is directed to creation of an image display and attached on a electronic post card and sending an E-mail over a internet [see fig 1-2, Abstract], Haeberli is directed to creating, cropping, selecting multiple images [see abstract, col 2, line 11-19, line 58-67]; Kuno is directed to camera server, camera client control method and storage, more specifically sharing image information, search image information on a network having automatic camera image sensing at various angles as detailed in Abstract, fig 2, while Acosta is directed to remote digital image viewing system, more specifically viewing digital images of remote locations [see fig 1-2, Abstract] via wireless network to world wise web as detailed in fig 1

One of ordinary skill in the art at the time of applicants' invention to combine the references of Acosta with Mayle, Haeberli, Kuno because that would have allowed users of Mayle, Haeberli, Kuno, especially Kuno communicate various images with specified angle of image and time over the network [see Kuno: col 8, line 38-45], specifically transmitting over wireless cellular communication network of Acosta et al [see col 5, line 11- 14], bringing the advantages of real-time, live image communicating the image to the remote location[s] as suggested by Acosta et al. [col 2, line 33-36].

54. As to Claim 30, Acosta disclosed' transmitter includes one of an ID card and cellular phone' [col 1, line 39-41, col 5, line 11-13].

55. As to Claim 31,35, Acosta disclosed 'radio waves transmitted and received between said transmitter and said receiver include the character information' [fig 1, col 5, line 10-13].

56. As to claim 32, Mayle disclosed 'image collecting unit identifies the target character substantially at the time when an image is captured by said camera system' [see fig 2, col 5, line 19-23, line 35-39].

57. As to claim 33, Kuno disclosed 'prompting a person prompts a person who refuses to be imaged to carry a transmitter' [col 4, line 41-50, line 63-67, col 5, line 1-11].

58. As to claim 34, Mayle disclosed 'image collecting unit identifies the target character' [see fig 2, col 5, line 19-23, line 35-39], 'at least one person in said image is identified as the target character' [col 5, line 7-10]. On the other hand, Kuno disclosed 'target character as a person who refuses to be imaged substantially at the time an imae is captured by same camera system, target character who refuses to be imaged, said image collecting unit does not collect images with the target character who refuses to be imaged' [col 4, line 42-46, line 52-55, line 63-67].

59. As to Claim 42, 77, Kuno disclosed 'the system is structured and arranged in an amusement part' [col 1, line 13-19].

Response to Arguments

Examiner acknowledges applicant's remarks [6/13/2005] at page 25 under "procedural matters-improper claim rejections". Examiner hereby issues "supplemental non-final office action" after correcting "procedural matters" especially claims 32-34, and 37 under proper body of rejection.

Applicant's arguments filed on 6/13/2005 with respect to Claims 1-92 have been fully considered but they are not persuasive, for examiner's response, see discussion below:

a) At page 26, claim 1, applicant argues that Examiner does not provide any information with respect to the claimed target character, but in the rejection of claims 85, and 86, the examiner contends that the people in fig 4 and 11 allegedly correspond to the claimed target character....

As to the above argument [a], as best understood by the examiner character information is the information that captured image by the video camera and or digital camera because these units or video camera or digital camera are used to shoot particular target, capturing target image character saves as image data for further usage, also it is noted that Mayle specifically teaches graphical data or image data

provided in the specific data format for example JPEG or GIF and like see Mayle: col 7, line 17-19. In the analysis of claim 85-86, these claims are directed to target character is a person shown in image that corresponds to Mayle's fig 4, fig 11 because, Mayle specifically teaches capturing person's photo or image and displaying the same as detailed in fig 4, fig 11, therefore, Mayle is not only teachings capturing target character of image, but also display the target character image as person.

b) At page 26, claim 1, applicant argues that thee is no disclosure in Mayle that database 65 has a second image, includes the subject matter of photo 603.

c) At page 27,there is no disclosure or suggestion that the camera system captures "a plurality of images including a second image having at least the target character"

As to the above argument [b-c], Mayle specifically teaches both Temp Image database, Image database elements 65 and 66 respectively uses the file system to store the image files, as best understood by the examiner, image database[s] are used for storing image files, files are stored in a directories [see col 5, line 66-67, col 6, line 1], therefore, Image database handles large amount of image files and associated attributes or character for example includes subject matter of photo[s]. It is further noted that applicant agree that Mayle specifically teaches image database [argument page 27], capturing image[s] using digital camera and video camera as detailed in fig 1, elements 14-15 [see argument page 26], in other words, Mayle specifically teaches camera system that captures images [see fig 1, col 4, line 15-18].

d) At page 28, claim 1, applicant argues that Mayle does not disclose or suggest selecting a second image by identifying the target character according to character information.

e) At page 29-30, claim 1, applicant argues that claimed automatic selection is different from that found in the system of Haeberli. Therefore, Mayle in view of Haeberli does not disclose or suggest all the elements as set forth in claim 1.

As to the above argument [d-e], Mayle suggests for example selected images or portions of images based on the changed data or characteristics of data are distributed as detailed in fig 4. It is also noted that Haeberli specifically teaches automatically selecting multiple images i.e., more than one image for processing [see Haeberli: col 12, line 12-15], further Haeberli also teaches multiple images are also selected based on attributes [col 12, line 37-39], as best under stood by the examiner, both Mayle, Haeberli teach images, especially, Haeberli teaches automatically selecting multiple images.

It is however, noted that Mayle does not specifically teach, "automatically selecting said second image data among said plurality of image data", although Mayle suggests creating, capturing, generating, and selecting color images [Abstract, fig 3A]. On the other hand, Haeberli disclosed "automatically selecting said second image data among said plurality of image data" [col 12, line 9-19, line 37-49, fig 7], Haeberli specifically teaches multiple image based product some times called as "diptych" or

triptych" allows the process element 700 automatically selecting multiple images based on image attributes as detailed in fig 7, col 12, line 12-15, line 37-49].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Haeberli into creating messages including image information of Mayle et al., because both Mayle and Haeberli are directed to image processing, more specifically Mayle is directed to creating, cropping, cropping, selecting multiple images [see Abstract], Haeberli also directed to creating, cropping, selecting multiple images [see abstract, col 2, line 11-19, line 58-67], and both Mayle and Haeberli also teaches generating, transmitting images over network [see Mayle: col 1, line 53-67; Haeberli: col 1, line 54-64] and both Mayle and Haeberli are from same field of endeavor.

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Haeberli into creating messages including image information of Mayle's because that would have allowed users of Mayle to automatically select multiple images and image related attributes bringing the advantages of generating and displaying not only preview image of image-based products but also allows user to see how the image based product will look with a particular set of product attributes [see Haeberli: col 4, line 59-63], thus improving the quality and reliability of the system.

Examiner applies the above discussed arguments to claims 43 and 78.

f) At page 31, claims 18-19,58-59, applicant argues that Acosta does not cure the deficient teachings of Mayle and Haeberli.....

As to the above argument [f], In the office action, examiner noted that both Mayle, Haeberli do not disclose 'wireless transmitter'. On the other hand, Acosta disclosed 'wireless transmitter'[see Acosta: fig 1].Therefore, one of the ordinary skill in the art at the time of applicant's invention to modify the combination of Mayle et al., Haeberli references, more specifically modifying Mayle's and Haeberli's fig 1 to incorporate the wireless network of Acosta's fig 1, element 14 because that would have allowed users of Mayle, Haeberli to creating messages including image information to communicate over wireless communications, thus improving speedy and efficient protocol and operations as suggested by Acosta [see Abstract, fig 1, col 2, line 61-67, col 2, line 1-2].

Also, examiner applies above discussed arguments to claims 1 and 43 to the dependent claims 18-19,58-59,

g) At page 31, claims 15,17,22,23, 26-28,33,34,36,39,41,52,56,62,63,66,68,69,71,73,75 , applicant argues that Because Kuno does not cure the deficient teachings of Mayle and Haeberli with respect to claims 1 and 43.

As to the above argument [g], in the office action, it is noted that both Mayle, Haeberli do not specifically teach 'different angles by a respective one of said plurality of cameras'. On the other hand, Kuno disclosed 'different angles by a respective one of said plurality of cameras' [col 1, line 47-49, col 3, line 54-62, col 4, line 16-19], Kuno specifically suggests various image sensing time and angle values and stored in the external storage device as detailed in fig 2. Therefore, one of ordinary skill in the art at the time of applicants' invention to modify Mayle's reference to incorporate the teachings of automatic camera image sensing sequence that including various angles of image with respect to time because that would have allowed users of Mayle's creating message including image information effectively control and communicate various images with specified angle of image and time over the network [see col 8, line 38-45], thus improving quality of searching various images and reliability of the system.
Also, examiner applies above discussed arguments to claims 1 and 43 to the dependent claims 15,17,22,23, 26-28,33,34,36,39,41,52,56,62,63,66,68,69,71,73,75.

h) At page 31, claims 29-31,35,42,70,77, applicant argues that Acosta,Kuno does not cure the deficient teachings of Mayle,Haeberli with respect to claims 1 and 43.

As to the above argument [h], it is noted that Mayle, Haeberli, Acosta do not specifically teach 'timing detecting unit, detects said timing for capturing an image', although Mayle, Haeberli and Acosta do teaches capturing images [see Mayle: Abstract, Haeberli: Abstract; Acosta: Abstract]. On the other hand Kuno disclosed "timing detecting unit, detects said timing for capturing an image' [fig 2,fig 4, col 34-39].

Therefore, one of ordinary skill in the art at the time of applicants' invention to combine the references of Kuno with Mayle, Haeberli, Acosta because that would have allowed users of Mayle, Haeberli, Acosta to control image information effectively further communicate various images with specified angle of image and time over the network [see Kuno: col 8, line 38-45], thus improving quality of searching various images and reliability of the system.

Also, examiner applies above discussed arguments to claims 1 and 43 to the dependent claims 29-31,35,42,70,77

Conclusion

The prior art made of record

a. US Patent No. 6018774

b. US Patent No. 6166729

c. US Patent No. 6567121

d. US Patent No. 6587596

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

e. US Patent No. 5675358

f. US Patent No. 6359643

g. US Patent No. 6249316

h. US Patent No. 6313875

i. US Patent No. 6035323

j. US Patent No 6064398

k. US Patent No 6260021

l. US Patent No 5568406

m. US Patent No 6636259

n. Rainer et al., Capturing interactions in meetings with omnidirectional cameras 8 pages

o. US Patent No 6608650

p. US Patent No. 6538689

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 703/872-9306 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

sc
Patent Examiner.
June 27, 2005.

SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER